Highways and Locomotives (Ireland).

ARRANGEMENT OF CLAUSES.

Clause.

1. Power of authority to recover expenses of extraordinary traffic.
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BILL

TO

Assimilate the Law in Ireland with the Laws of England and Scotland in the matter of Locomotive Traction. A.D. 1910.

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Power of authority to recover expenses of extraordinary traffic.

5 **1.** Where by a certificate of their surveyor it appears to the authority which is liable or has undertaken to repair any highway, whether a main road or not, that, having regard to the average expense of repairing highways in the neighbourhood, extraordinary expenses have been incurred by such authority in repairing such 10 highway by reason of the damage caused by excessive weight passing along the same, or extraordinary traffic thereon, such authority may recover in a summary manner from any person by whose order such weight or traffic has been conducted the amount of such expenses as may be proved to the satisfaction of 15 the court having cognizance of the case to have been incurred by such authority by reason of the damage arising from such weight of traffic as aforesaid:

Provided that any person against whom expenses are or may be recoverable under this section may enter into an agreement 20 with such authority as is mentioned in this section for the payment to them of a composition in respect of such weight or traffic, and thereupon the persons so paying the same shall not be subject to any proceedings under this section.

Weight of locomotives and construction of wheels.

2. It shall not be lawful to use on any turnpike road or 25 highway a locomotive constructed otherwise than in accordance with the following provisions (that is to say):—

(1) A locomotive not drawing any carriage, and not exceeding in weight three tons, shall have the tires of the wheels

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A.D. 1910.

thereof not less than three inches in width, with an additional inch for every ton or fraction of a ton above the first three tons; and

(2) A locomotive drawing any waggon or carriage shall have the tires of the driving wheels thereof not less than two inches in width for every ton in weight of the locomotive, unless the diameter of such wheels shall exceed five feet, when the width of the tires may be reduced in the same proportion as the diameter of the wheels is increased, but in such case the width of such tires shall not be less than fourteen inches; and

(3) A locomotive shall not exceed nine feet in width or fourteen tons in weight, except as herein-after provided; and

(4) The driving wheels of a locomotive shall be cylindrical and smooth-soled, or shod with diagonal crossbars of not less than three inches in width nor more than three-quarters of an inch in thickness, extending the full breadth of the tire, and the space intervening between each such crossbar shall not exceed three inches.

Penalty for breach of foregoing provisions.

3. The owner of any locomotive used contrary to the foregoing provisions shall for every such offence be liable to a fine not exceeding *five pounds:* Provided that the authority aforesaid, may, on the application of the owner of any locomotive exceeding nine feet in width or fourteen tons in weight, authorise such locomotive to be used on any turnpike road or highway within the area, or part of any such road or highway, under such conditions (if any) as to them may appear desirable.

Number of persons in charge of locomotives.

4. Not less than two persons shall be in charge of every such locomotive, and one of such persons, while the locomotive is in motion, shall precede by at least twenty yards the locomotive on foot, and shall, in case of need, assist horses, and carriages drawn by horses, passing the same.

Steam locomotives to be constructed so as to consume their smoke.

5. Every locomotive used on any turnpike road or highway shall be constructed on the principle of consuming its own smoke; and any person using any locomotive not so constructed, or not consuming, so far as practicable, its own smoke, shall be liable to a fine not exceeding *five pounds* for every day

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during which such locomotive is used on any such turnpike road or highway. A.D. 1910.

6. The aforesaid authority may make byelaws as to the hours during which locomotives are not to pass over the turnpike roads or highways situate within the areas respectively above-mentioned, the hours being in all cases consecutive hours, and no more than eight out of the twenty-four, and for regulating the use of locomotives upon any highway, or preventing such use upon every bridge where such authority is satisfied that such use would be attended with danger to the public; and any person in charge of a locomotive acting contrary to such byelaws shall be liable to a fine not exceeding *five pounds.*

Power to local authorities to make orders as to hours during which locomotives may pass over roads.

7. A county authority may, from time to time, make, alter, and repeal byelaws for granting annual licences to locomotives used within their county, and the fee (not exceeding *ten pounds*) to be paid in respect of each licence; and the owner of any locomotive for which a licence is required under any byelaw so made who uses or permits the same to be used in contravention of any such byelaw shall be liable to a fine not exceeding *forty shillings* for every day on which the same is so used.

Power of county authority to license locomotives.

All fees received under this section shall be carried to and applied as part of the county rate.

8. This Act shall not apply to any locomotive used exclusively for agricultural purposes.

Application of Act.

9. This Act may be cited as the Highways and Locomotives (Ireland) Act, 1910.

Short title.

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Highways and Locomotives (Ireland).

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B I L L

To assimilate the Law in Ireland with the Laws of England and Scotland in the matter of Locomotive Traction.

Presented by Mr. MacVeagh,

supported by

Mr. Lardner, Captain Craig, Mr. Kennedy, Mr. Joyce, Viscount Castlereagh, Mr. Kelly, Mr. Mitchell-Thomson, Mr. Patrick O'Brien, Captain Cooper, Mr. Kilbride, and Mr. Hugh Barrie.

Ordered, by The House of Commons, *to be Printed,* 6 *July* 1910.

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